

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.774 of 2020**

Arising Out of PS. Case No.-148 Year-2018 Thana- BHAWANIPUR District- Purnia

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DILKHUSH KUMAR @ DILKHUSH KUMAR MANDAL Son of Late
Surendra Mandal Resident of Village - Sapaha, Police Station - Tikapatti,
District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sada Nand Roy

For the Respondent/s : Mrs.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

5 23-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The appellant seeks bail in Special SC & ST case No. 130/ 2018, arising out of Bhawanipur (Balua) P.S. case No. 148/2018, registered u/s 376(D), 34 of the IPC and u/s 3 (i) (w) of S.C. & S.T. (Prevention of Atrocities) Act.

The learned counsel for the appellant submits that prayer for bail of the appellant was earlier rejected by this court vide order passed in Cr. Appeal (SJ) No. 2412 of 2019 but during the course of trial the victim was examined as PW 2. The victim in her cross-examination disclosed that since there was dark night, therefore, she could not identify any of the accused.



The victim named the petitioner in the FIR on mere speculation.
The appellant is in jail since 16.02.2019. The appellant has
already remained in jail for one year and four months.

Considering the facts aforesaid, this appeal is allowed
and the appellant, above named, is directed to be released on
bail on his furnishing bail bond of Rs. 10,000/- (Rs. Ten
thousand) with two sureties of the like amount each to the
satisfaction of learned Additional Sessions Judge-I-cum-Special
Judge, SC & ST Act, Purnea in connection with Special SC &
ST case No. 130/ 2018, arising out of Bhawanipur (Balua) P.S.
case No. 148/2018.

(Prabhat Kumar Jha, J)

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